

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

LUIS PACHECO, derivatively on Behalf of  
OPHTHOTECH CORPORATION,

Plaintiff,

v.

DAVID R. GUYER, GLENN P. SBLENDORIO,  
DAVID E. REDLICK, THOMAS DYRBERG,  
AXEL BOLTE, MICHAEL J. ROSS, SAMIR C.  
PATEL, AND NICHOLAS GALAKATOS,

Defendants,

and,

OPHTHOTECH CORPORATION,

Nominal Defendant.

No. 18 Civ. 7999 (VSB)

ORAL ARGUMENT REQUESTED

**NOTICE OF DEFENDANTS' MOTION TO DISMISS THE VERIFIED  
STOCKHOLDER DERIVATIVE COMPLAINT**

PLEASE TAKE NOTICE that, pursuant to Federal Rules of Civil Procedure 23.1(b), upon the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss the Verified Stockholder Derivative Complaint, the Declaration of Jeremy T. Adler, and the exhibits attached thereto, defendants David R. Guyer, Glenn P. Sblendorio, David E. Redlick, Thomas Dyrberg, Axel Bolte, Michael J. Ross, Samir C. Patel, and Nicholas Galakatos, and nominal defendant Ophthotech Corporation, by and through their undersigned counsel, will move this Court before the Honorable Vernon S. Broderick, at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York 10007, at a time and date convenient for the Court, for an order (1) dismissing the Complaint with prejudice for failure to plead futility of demand with particularity; and (2) granting such other relief as this Court may deem just and proper.

Dated: New York, New York  
December 14, 2018

Respectfully submitted,

/s/ Michael G. Bongiorno

Michael G. Bongiorno

Jeremy T. Adler

WILMER CUTLER PICKERING HALE AND  
DORR LLP

7 World Trade Center

250 Greenwich Street

New York, NY 10007

Tel: (212) 230-8800

Fax: (212) 230-8888

michael.bongiorno@wilmerhale.com

jeremy.adler@wilmerhale.com

Timothy J. Perla

WILMER CUTLER PICKERING HALE AND  
DORR LLP

60 State Street

Boston, MA 02109

Tel.: (617) 526-6000

Fax: (617) 526-5000

timothy.perla@wilmerhale.com

*Counsel for Defendants and Nominal Defendant*